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HOUSE BILL 850

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

BEN LUJAN

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING ENHANCED PENALTIES WHEN A PERSON HAS A PRIOR CONVICTION FOR BURGLARY OF A DWELLING HOUSE OR RESIDENTIAL DWELLING; AMENDING A SECTION OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-3 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-3, as amended) is amended to read:

"30-16-3. BURGLARY. -- Burglary consists of the unauthorized entry of any vehicle, watercraft, aircraft, dwelling house, residential dwelling or other structure, movable or immovable, with the intent to commit any felony or theft therein.

A. Any person who, without authorization, enters a dwelling house or residential dwelling with intent to commit any felony or theft therein is guilty of a third degree felony.

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1                   B. Any person who commits burglary of a dwelling  
2 house or residential dwelling, as provided in Subsection A of  
3 this section, who has a prior conviction for burglary of a  
4 dwelling house or residential dwelling, shall have his basic  
5 sentence increased by three years for each prior conviction for  
6 burglary of a dwelling house or residential dwelling.

7                   C. For the purposes of this section, "prior  
8 conviction for burglary of a dwelling house or residential  
9 dwelling" means:

10                                 (1) a prior conviction under Subsection A of  
11 this section; or

12                                 (2) a prior conviction in any other  
13 jurisdiction, territory or possession of the United States when  
14 the criminal act is burglarizing a dwelling house or residential  
15 dwelling.

16                   [~~B.~~] D. Any person who, without authorization,  
17 enters any vehicle, watercraft, aircraft or other structure,  
18 movable or immovable, with intent to commit any felony or theft  
19 therein is guilty of a fourth degree felony. "

20                   Section 2. EFFECTIVE DATE. -- The effective date of the  
21 provisions of this act is July 1, 1997.